

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.11929 of 2008
PRABHA DEVI
Versus
STATE OF BIHAR

2. 02.05.2008

Heard the learned Counsel for the petitioner and the learned counsel for the State.

The petitioner is the mother-in-law apprehending arrest in a Police case under Sections 304B, 201 read with Section 34 of the Penal Code.

It is submitted that on the face of the allegation death has occurred after nine years of marriage. Presumption under Section 304B therefore vanishes. The burden now shifts on the prosecution. The contention of the petitioner from the medical prescription is that the deceased was suffering from vomiting and dysentery and died on the way to hospital where she was referred for further specialized treatment.

This Court considers it proper to direct that let the petitioner, above named, surrender in the court below within a period of four weeks from today when she shall be enlarged on anticipatory bail during the period of investigation on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of SDJM (West) Muzaffarpur in Motipur PS Case No. 258 of 2007, subject to the conditions as laid down under Section 438(2) Cr.P.C.

If during investigation the defence of the petitioner as urged for the purpose of anticipatory bail on the medical prescription dated 20.11.2007 at Annexure 2 is not corroborated

and chargesheet is otherwise submitted the petitioner shall be required to surrender and seek regular bail.

Snkumar/-

(Navin Sinha,J.)

